

SNOHOMISH COUNTY DISTRICT COURT

☐ Cascade Division
415 East Burke Street
Arlington WA 98223-1099
(360) 435-7700
Court Code No. WA031033J

☐ Everett Division
3000 Rockefeller M/S 508
Everett WA 98201
(425) 388-3331
Court Code No. WA031013J

☐ Evergreen Division
14414 179th Ave SE
Monroe WA 98272
(360) 805-6776
Court Code No. WA031053J

☐ South Division
20520 68th Ave W
Lynnwood WA 98036
(425) 774-8803
Court Code No. WA031023J

**STATE OF WASHINGTON OR
CITY OR TOWN OF**

_____,
Plaintiff

vs.

_____,
Defendant.

CASE NO. _____

ORDER OF DEFERRED PROSECUTION

THIS MATTER coming on for hearing upon the petition of the defendant for deferred prosecution, and the Court, having examined the report and treatment plan of the evaluating agency; and having found that the defendant has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and stipulated to the admissibility and sufficiency of the facts contained in the written police report, and that the defendant has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense(s) held subsequent to revocation of the order granting deferred prosecution; and that the defendant's statements were made knowingly and voluntarily, and that the defendant has never before been granted a deferred prosecution or like program, and that the defendant does not believe that the defendant is innocent of the charges herein, and that the defendant does believe the defendant suffers from alcoholism, drug addiction, or mental problems; now therefore,

IT IS HEREBY ORDERED:

- 1) That the Deferred Prosecution is granted until an order of dismissal or revocation is entered by the court.
- 2) That the defendant pay for and complete the treatment program outlined in the attached report which is approved. The defendant shall remain continuously in treatment throughout the first two-year period of the deferred prosecution and not change treatment programs without prior approval of the court. Any lapse of thirty (30) days in treatment shall provide the court with a sufficient basis, by itself, to revoke this deferred prosecution.
- 3) That the defendant shall be on active probation with the Probation Department, and is required to fully comply with all recommendations of that department including payment of probation fees in the amount of \$50.00 per month for the first 2 years and then a flat fee of \$300.00 for any additional years for the cost of supervising this deferred prosecution.
- 4) That the defendant not operate a motor vehicle without a valid operator's license, proof of liability insurance, or in violation of any ignition interlock order.
- 5) That the defendant, totally abstain from the use of intoxicating liquor or any drug not prescribed by a physician.

- 6) That the defendant not be charged or convicted of any offense involving the use of intoxicating liquor and/or drugs. The defendant shall not consume alcohol and operate a motor vehicle. The operation of a motor vehicle with any alcohol in the defendant's system whatsoever shall provide the court with sufficient basis, by itself, to revoke this deferred prosecution. The fact that charges have not or did not result in a conviction is not relevant to a potential revocation on this ground.
- 7) Reports, as required by RCW chapter 10.05, shall be made by the evaluation facility in accordance therewith, at least quarterly for the first year of the program and every six months for the second year of the plan.
- 8) That the defendant is to complete the DUI Victims Panel within _____ days.
- 9) That the defendant pay the \$200.00 DUC fee, imposed by the legislature as mandatory fee in all such cases. On city cases the defendant shall also pay the \$_____ filing fees.
- 10) That the defendant **NOT** refuse a BAC test lawfully offered to the defendant.
- 11) The defendant shall not operate any motor vehicle without an ignition interlock device with settings of .025 and .04 for the following period of time:
1 year _____ 2 years _____ 5 years _____ 10 years _____ Other _____
- 12) The defendant shall keep the clerk of this court advised of his/her current mailing address at all times during the two-year period of deferral. Should the defendant fail to appear for any review hearing, of which notice was sent to the last address provided by the defendant, this shall be considered a willful failure to appear upon adequate notice.
- 13) Other: _____

DATED this _____ day of _____, 20____

Copy Received and Approved By:

Deputy Prosecuting Attorney

Judge/Pro Tem/Commissioner

Defendant's Attorney

Defendant